

Message Text

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ACTION SCA-01

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FOR SCA ADMINISTRATOR WALENTYNOWICZ

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: MEETINGS WITH GOM OFFICIALS ON AMERICAN PRISONERS

1. AMBASSADOR, DCM AND CONGEN MET SEPTEMBER 22 AT RESIDENCE
WITH SUB SECRETARY OF INTERIOR GUTIERREZ BARRIOS.

2. WITH RESPECT TO NOTIFICATION OF ARREST, WE POINTED OUT
THAT ART. 36 OF VIENNA CONVENTION OBLIGATED GOM TO NOTIFY
US CONSULAR OFFICIALS OF ARREST OF AMCIT AT AMCIT'S REQUEST
AND TO ADVISE AMCIT OF HIS RIGHT TO SUCH NOTIFICATION. WE
ALSO CITED ART. 6 OF US-MEXICO CONSULAR CONVENTION GUARANTEEING
COMMUNICATION AT ALL TIMES AND MEXICAN CONSTITUTION PROHIBITING
INCOMMUNICADO CONDITIONS.

3. GUTIERREZ BARRIOS ALLUDED TO THE IMPORTANCE BOTH COUNTRIES
ATTACH TO DRUG INTERDICTION PROGRAM AND AS ONE WITH POLICE
BACKGROUND, OPINED THAT THE EARLY MOMENTS AFTER ARREST
WERE IMPORTANT ONES FOR PURPOSES OF ELICITING INFORMATION FROM THE
ARRESTEE BECAUSE HE WAS PSYCHOLOGICALLY VULNERABLE. SHOULD HE BE ABLE
TO COMMUNICATE WITH HIS CONSUL HE WOULD BE LESS LIKELY TO TALK. BUT
GUTIERREZ BARRIOS WAS SYMPATHETIC NOTING THAT THIS WAS A
HUMAN AND POLITICAL AS WELL AS A POLICE PROBLEM. HE SAID BOTH SIDES
SHOULD NOT BE OVERLY LEGALISTIC BUT MUST TRY TO WORK OUT
PROCEDURES THAT WOULD TAKE INTO ACCOUNT THE LEGITIMATE CONCERNS
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OVER HUMAN RIGHTS AS WELL AS LAW ENFORCEMENT.

4. WE POINTED OUT THAT THERE WAS GREAT CONCERN IN THE CONGRESS AND THE U.S. PRESS ABOUT THE TREATMENT OF AMCITS IN MEXICO AND VIOLATIONS OF HUMAN RIGHTS GENERALLY. WHILE IT WAS POSSIBLE TO EXPLAIN OCCASIONAL MISTREATMENT OF PRISONERS, WHICH OCCURS IN ANY COUNTRY, THE CONSISTENCY OF SUCH COMPLAINTS FROM ARRESTED AMERICANS INDICATES THAT THESE ARE NOT RADOM OCCURRENCES. APART FROM FULFILLMENT OF TREATY OBLIGATIONS, WE WERE CONVINCED THAT EARLY NOTIFICATION AND COMMUNICATION MIGHT WELL PREVENT MUCH OF THE MISTREATMENT AS WELL AS AVOID THE ARRESTEES FALLING INTO THE HANDS OF LAWYERS BENT ON EXTORTION.

5. AFTER FURTHER DISCUSSION ALONG THESE LINES, GUTIERREZ BARRIOS NOTED THAT MOST OF THESE MATTERS CAME UNDER THE ATTORNEY GENERAL RATHER THAN THE SECRETARY OF INTERIOR, AND HE WOULD PERSONALLY SPEAK TO OJEDA PAULLADA PRIOR TO OUR CONVERSATION WITH HIM. WE THEN RAISED THE QUESTION OF THE DETENTION AND EXPULSION OF AMCITS BY IMMIGRATION AUTHORITIES (WHO ARE UNDER INTERIOR) WITHOUT CHARGES OR ON FLIMSY OR POSSIBLY TRUMPED UP CHARGES (E.G., PLANTED MARIJUANA SEEDS OR STEMS). WE DETAILED PARTICULAR INSTANCES OF GROUPS OF AMERICANS DETAINED IN OAXACA AND SA JUAN POCHUTLA BY IMMIGRATION AUTHORITIES, THEIR VANS TAKEN AND USED BY AUTHORITIES RESULTING IN DAMAGE TO ONE FOR WHICH AMERICANS HAD TO PAY. WE NOTED AMCITS WERE EVENTUALLY DEPORTED AND BASIC EXPLANATION BY IMMIGRATION AUTHORITIES WAS THAT MEXICO DID NOT WANT THAT TYPE OF "NEGATIVE" TOURISM.

6. GUTIERREZ BARRIOS SAID HE UNDERSTOOD PROBLEM AND, AFTER SOME FURTHER DISCUSSION, INVITED EMBASSY TO PROVIDE HIM WITH LIST OF SPECIFICS AND HAVE CONGEN MEET WITH HIM SOON. WE WILL, OF COURSE, FOLLOW UP ON THIS. GUTIERREZ BARRIOS WAS FRIENDLY AND FORTHCOMING THROUGHOUT.

7. ON SEPT. 23 AMBASSADOR, DCM AND CONGEN MET WITH ATTORNEY GENERAL OJEDA PAULLADA. WE BEGAN SIMILAR PRESENTATION AS ABOVE. AT EARLY POINT OJEDA CALLED IN DEPUTY ATTORNEY GENERAL ALBA LEYVA AND INSTRUCTED HIM TO PREPARE LIMITED OFFICIAL USE

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TELEGRAPHIC INSTRUCTIONS TO ALL FEDERAL AUTHORITIES TO NOTIFY AMERICAN CONSULAR OFFICIALS OF THE ARREST OF ANY AMCIT, THIS TO BE FOLLOWED BY MORE EXPLICIT AND FULL INSTRUCTIONS.

8. WE ALSO RAISED QUESTIONS OF MAYOR AND FAJINA (WORK DETAIL) SYSTEMS IN PRISON (WHEREBY CERTAIN PRISONERS VIRTUALLY RUN THE CELL

BLOCKS AND CHARGE FEES FOR CELLS, OBTAINING OR AVOIDING CERTAIN JOBS, ETC.) AND MISTREATMENT OF PRISONERS BY PRISON AUTHORITIES PARTICULARLY AT LECUMBERRI. WE NOTED THAT WHEN EMBASSY INTERVENES TO PROTECT PRISONERS IT OFTEN RESULTS IN WORSE TREATMENT FOR PRISONERS.

9. OJEDA WAS SYMPATHETIC BUT NOTED THAT MAYOR SYSTEM WAS DEEPLY IMBEDDED IN THE MEXICAN PENAL SYSTEM. HE ADMITTED MISTREATMENT CAN OCCUR AND THAT THIS WAS A PROBLEM FOR MEXICANS AS WELL. THE GOVERNMENT WAS ATTEMPTING TO MAKE MAJOR REFORMS BUT THIS TOOK TIME AND MONEY. (IN RESPONSE TO QUESTION HE STATED THAT OPENING OF NEW PRISON IN MEXICO CITY WAS DELAYED FOR LACK OF MONEY.) HOWEVER, HE WAS SYMPATHETIC TO OUR CONCERS AND LIKE GUTIERREZ BARRIOS STRESSED HUMAN AND POLITICAL ASPECTS AND INDICATED A WILLINGNESS ON THE PART OF HIS MINISTRY TO BE HELPFUL.

10. RETURN OF AIRCRAFT AND AUTOMOBILES WAS RAISED. OJEDA ASSERTED NONE BEING USED BY GOM OFFICIALS (AS HE HAD IN NEWSPAPER INTERVIEW APPEARING SEPT. 22 - SEE SEPTTEL). GOM WOULD FULFILL ITS OBLIGATIONS UNDER THE 1936 CONVENTION BUT HE IMPLIED THAT GOM COULD DO BETTER. HE SAID HE WANTED TO LOOK INTO THE MATTER FURTHER AND ASKED THAT THE EMBASSY SUPPLY HIM WITH ITS LIST OF AIRCRAFT WHOSE RETURN WAS SOUGHT. WE WILL FOLLOW UP ON THIS, PROBABLY WITH ALBA LEYVA.

1. OJEDA WAS ALSO VERY FRIENDLY AND FORTHCOMING. IT SEEMS CLEAR THAT HIS TRIP TO LOS ANGELES SENSITIZED HIM TO THE CONCERN IN THE U.S. ABOUT THE PRISONERS AND AIRCRAFT PROBLEMS.

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